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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,708	03/01/2006	Arnaud Helie	Q92887	8999

23373 7590 10/06/2006

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EXAMINER
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MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/566,708

Applicant(s)

HELIE ET AL.

Examiner

Trevor McGraw

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/01/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrigou (US 3,625,437).

In regard to Claims 1, 2, 4, 8 and 10, Garrigou (3,625,437) teaches a fluid spray head manufactured from a common mold where the spray head has an expulsion channel (13) with a spray orifice (14) and a spray profile (15,16,17) where non radial feed channels are formed to the swirling chamber that is disposed upstream of the spray orifice (14) where an insert (9) is disposed in the expulsion channel (13) so as to form a cover for the spray profile (15,16,17) where the central axis of the insert (9) is substantially identical to the central axis of the expulsion channel (13) (Figure 4) and where the expulsion channel (13) further has a centering means (19) for centering the insert (9) within the spray head where the centering means is in close proximity to the spray profile (15,16,17) where accesses of the expulsion channel (13) of the feed channel are formed between the projections (Figure 4). The centering means (19) of Garrigou comprises at least three projections that are inscribed in a circle and have a diameter that is substantially identical to the insert (9) diameter (Figure 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrigou (US 3,625,437) in view of Ennis, III (US 4,923,448).

In regard to claim 3, Garrigou as taught above discloses and teaches the claimed invention except for the expulsion channel (13) having three flat surfaces that are symmetrically arranged about the expulsion channel (13) where the flat surfaces cooperate with the insert (9) to center the insert (9) relative to the expulsion channel (13). Ennis, III (4,923,448) teaches that it is known to have an expulsion channel (52) that includes at least 3 flat surfaces (64) that are symmetrically placed about the expulsion channel (13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the flat surfaces (64) of the expulsion channel (52) as taught by Ennis, III to the expulsion channel (13) of Garrigou, in order to provide for a non cylindrical means for centering the insert (9) about the expulsion channel (13) so as to offer better tolerance control in offsetting the insert from the expulsion channel.

In regard to claims 5-7 and 9, Garrigou as taught above discloses the claimed invention except for the following: a central axis of the insert (9) being offset from the

central axis of the expulsion channel (13) by a distance of less than 0.08 mm, and preferably less than 0.03 mm; a spray chamber having a diameter of 1 mm; a spray orifice having a diameter of 0.3 mm; and the standard deviation of the offset between the central axis of the insert relative to the central axis of the expulsion channel being less than 0.05 mm and preferably less than 0.02 mm. It would have been an obvious matter of design choice to offset the central axis of the insert (9) from the central axis of the expulsion channel (13) by a distance of less than 0.08 mm, and preferably less than 0.03 mm as applicant has not disclosed that offsetting the central axis of the insert (9) from the central axis of the expulsion channel (13) by a distance of less than 0.08 mm, and preferably less than 0.03 mm solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the central axis' not being offset from one another.

It would have also been an obvious matter of design choice to provide for a spray chamber having a diameter of 1 mm and a spray orifice having a diameter of 0.3 mm as providing for such dimensions of the spray chamber and spray orifice as claimed are not disclosed by applicant so as to solve any stated problem or is for any particular purpose and appear that the invention would perform equally well if the dimensions of the spray chamber of 1 mm and the spray orifice of 0.3 mm were larger.

It would have been a further obvious matter of design choice to provide for a standard deviation of less than 0.05 mm and preferably less than 0.02 mm for the offset between the central axis of the insert relative to the central axis of the expulsion channel since applicant has not disclosed that providing for a standard deviation of less than

Art Unit: 3752

0.05 mm and preferably less than 0.02 mm for the offset between the central axis of the insert relative to the central axis of the expulsion channel solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without an offset between the insert and expulsion channel.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamishita et al. (US 5,064,122), Green (US 3,129,893), .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

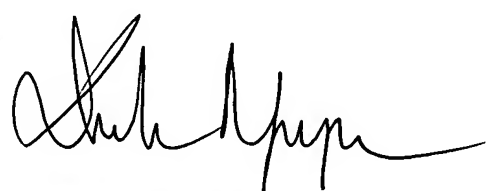
Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trevor McGraw  
Art Unit 3752

TEM



**DINH Q. NGUYEN**  
**PRIMARY EXAMINER**